

REMARKS

Formal Matters

Claims 13, 15-16, 18-21 and 23-27 are pending after entry of the amendments set forth herein.

Claims 19 and 20 are currently withdrawn from consideration by the Examiner.

Claims 13, 15-16, 18, 21 and 23-27 were examined. Claims 13, 15-16, 21 and 23-26 were rejected. Claim 27 was allowed. Claim 18 was objected to.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

The Office Action

Objection to claim 18

In the Official Action of May 15, 2009, the Examiner objected to claim 18 in the Office Action Summary. However, the body of the Office Action contains no objection to claim 18. Applicant assumes that the objection to claim 18 has been overcome by the previous response. The Examiner is respectfully requested to clarify the status of claim 18 in the next Official Action.

Claims Rejected Under 35 U.S.C. Section 103(a) (Jackson in view Treu)

Claims 13, 15-16, 21 and 23-26 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Jackson, U.S. Patent No. 4,623,335 in view of Treu, U.S. Patent No. 5,630,935. The Examiner asserted that Jackson discloses an inelastic housing 24 and plunger 25 as claimed, as well as an aperture 18 in the housing for conveying pressure from the housing during a medical procedure.

Applicant respectfully traverses. It is respectfully submitted that Jackson discloses at column 4, lines 29-36, that reference numeral 18 refers to a second orifice in stopcock 14. Jackson further discloses that the second orifice 18 connects to a hollow interior of conduit 22. Thus it is respectfully submitted that reference numeral 18 is not an aperture in housing 24, contrary to the Examiner's

assertion.

The Examiner further asserted that the valve 22 of Jackson comprises a plunger 60.

Applicant respectfully traverses. It is respectfully submitted that 22 is simply a conduit, see Fig. 2 and column 4, line 35.

The Examiner asserted that Jackson discloses a plunger 60 disposed within the inner volume of the housing, and a spring 52 disposed within the inner volume of the housing.

Applicant respectfully traverses. Applicant notes that the Examiner has identified the housing as reference numeral 24. It is respectfully submitted that neither component 60 nor component 52 of Jackson is disposed within the housing 24.

The Examiner admitted that Jackson does not disclose a pressure operated valve adapted to allow selection of the threshold, during use, for a plurality of different thresholds, but asserted that it would have been obvious to modify the spring system of Jackson with the spring system taught by Treu to adapt it to allow selection of the threshold.

Even if the combination suggested by the Examiner would have been obvious to make, which Applicants do not agree that the combination would have been obvious, the result would still not meet all of the recitations of the present claims, as amended above. As noted above, the pressure relief valve 78 is not operated by fluid pressure from the interior of the syringe 135. Nor does the relief valve 78 include features for user selection of a discrete threshold pressure from a plurality of different, discrete threshold pressures.

In the "Response to Arguments" section of the Office Action on page 5, the Examiner asserted that the device of Treu has a plurality of available thresholds that the user can set the device to during use. The Examiner further asserted that a user could set a discrete threshold by one full rotation of the adjustment member, as one full rotation will always produce a discrete threshold.

Applicant respectfully traverses. It is respectfully submitted that the valve of Treu is continuously adjustable. This is the opposite of discretely adjustable. It is further respectfully submitted that a user would not be able to adjust the valve of Treu to exactly one full turn each time to get reproducible results, and each time the setting would vary somewhat, as this is what occurs with a continuously adjustable valve. Further, claim 13 recites that the valve is provided with "discrete threshold setting features". It is respectfully submitted that a continuously adjustment feature is not a discrete threshold setting feature.

Claim 21 has been amended to recite that the valve is provided with a plurality of openings and a selector member positionable relative to the openings to select the threshold fluid pressure level. It is

respectfully submitted that the combination of references applied in this ground of rejection fails to disclose or teach these features.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 13, 15-16, 21 and 23-26 under 35 U.S.C. Section 103(a) as being unpatentable over Jackson, U.S. Patent No. 4,623,335 in view of Treu, U.S. Patent No. 5,630,935, as being inappropriate.

Conclusion

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-2653, order number GUID-134.

Respectfully submitted,

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